

As Introduced

**124th General Assembly
Regular Session
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S. B. No. 221

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A B I L L

To amend sections 109.73, 959.99, 1717.06, and 1
2151.421 and to enact sections 959.131, 959.132, 2
and 959.133 of the Revised Code to prohibit 3
specified acts with respect to a companion animal, 4
to establish a procedure for the care of an 5
impounded companion animal during the pendency of 6
charges against a person who violates the 7
prohibition, to require training for humane agents, 8
to increase the penalty for committing certain 9
offenses against animals if the commission of the 10
offense also involves criminal trespass, and to 11
establish requirements concerning the reporting by 12
certain authorities of abuse or neglect of animals 13
or children. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.73, 959.99, 1717.06, and 15
2151.421 be amended and sections 959.131, 959.132, and 959.133 of 16
the Revised Code be enacted to read as follows: 17

Sec. 109.73. (A) The Ohio peace officer training commission 18
shall recommend rules to the attorney general with respect to all 19

of the following:	20
(1) The approval, or revocation of approval, of peace officer training schools administered by the state, counties, municipal corporations, public school districts, technical college districts, and the department of natural resources;	21 22 23 24
(2) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved state, county, municipal, and department of natural resources peace officer training schools;	25 26 27 28
(3) Minimum qualifications for instructors at approved state, county, municipal, and department of natural resources peace officer training schools;	29 30 31
(4) The requirements of minimum basic training that peace officers appointed to probationary terms shall complete before being eligible for permanent appointment, which requirements shall include a minimum of fifteen hours of training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, a minimum of six hours of crisis intervention training, and a specified amount of training in the handling of missing children and child abuse and neglect cases, and the time within which such basic training shall be completed following such appointment to a probationary term;	32 33 34 35 36 37 38 39 40 41 42 43
(5) The requirements of minimum basic training that peace officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, which requirements shall include a minimum of fifteen hours of training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under	44 45 46 47 48 49 50 51

section 2919.26 or 3113.31 of the Revised Code, a minimum of six
hours of crisis intervention training, and a specified amount of
training in the handling of missing children and child abuse and
neglect cases, and the time within which such basic training shall
be completed following such appointment on other than a permanent
basis;

(6) Categories or classifications of advanced in-service
training programs for peace officers, including programs in the
handling of the offense of domestic violence, other types of
domestic violence-related offenses and incidents, and protection
orders and consent agreements issued or approved under section
2919.26 or 3113.31 of the Revised Code, in crisis intervention,
and in the handling of missing children and child abuse and
neglect cases, and minimum courses of study and attendance
requirements with respect to such categories or classifications;

(7) Permitting persons who are employed as members of a
campus police department appointed under section 1713.50 of the
Revised Code, who are employed as police officers by a qualified
nonprofit corporation police department pursuant to section
1702.80 of the Revised Code, or who are appointed and commissioned
as railroad police officers or hospital police officers pursuant
to sections 4973.17 to 4973.22 of the Revised Code to attend
approved peace officer training schools, including the Ohio peace
officer training academy, and to receive certificates of
satisfactory completion of basic training programs, if the private
college or university that established the campus police
department, qualified nonprofit corporation police department,
railroad company, or hospital sponsoring the police officers pays
the entire cost of the training and certification and if trainee
vacancies are available;

(8) Permitting undercover drug agents to attend approved
peace officer training schools, other than the Ohio peace officer

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training academy, and to receive certificates of satisfactory
completion of basic training programs, if, for each undercover
drug agent, the county, township, or municipal corporation that
employs that undercover drug agent pays the entire cost of the
training and certification;

(9)(a) The requirements for basic training programs for
bailiffs and deputy bailiffs of courts of record of this state and
for criminal investigators employed by the state public defender
that those persons shall complete before they may carry a firearm
while on duty;

(b) The requirements for any training received by a bailiff
or deputy bailiff of a court of record of this state or by a
criminal investigator employed by the state public defender prior
to June 6, 1986, that is to be considered equivalent to the
training described in division (A)(9)(a) of this section.

(10) Establishing minimum qualifications and requirements for
certification for dogs utilized by law enforcement agencies;

(11) Establishing minimum requirements for certification of
persons who are employed as correction officers in a full-service
jail, five-day facility, or eight-hour holding facility or who
provide correction services in such a jail or facility;

(12) Establishing requirements for the training of agents of
a county humane society under section 1717.06 of the Revised Code,
including, without limitation, a requirement that the agents
receive instruction that is approved by the Ohio state university
college of veterinary medicine on the topic of animal husbandry
practices.

(B) The commission shall appoint an executive director, with
the approval of the attorney general, who shall hold office during
the pleasure of the commission. The executive director shall
perform such duties as may be assigned by the commission. The

executive director shall receive a salary fixed pursuant to 115
Chapter 124. of the Revised Code and reimbursement for expenses 116
within the amounts available by appropriation. The executive 117
director may appoint officers, employees, agents, and consultants 118
as the executive director considers necessary, prescribe their 119
duties, and provide for reimbursement of their expenses within the 120
amounts available for reimbursement by appropriation and with the 121
approval of the commission. 122

(C) The commission may do all of the following: 123

(1) Recommend studies, surveys, and reports to be made by the 124
executive director regarding the carrying out of the objectives 125
and purposes of sections 109.71 to 109.77 of the Revised Code; 126
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(2) Visit and inspect any peace officer training school that 128
has been approved by the executive director or for which 129
application for approval has been made; 130

(3) Make recommendations, from time to time, to the executive 131
director, the attorney general, and the general assembly regarding 132
the carrying out of the purposes of sections 109.71 to 109.77 of 133
the Revised Code; 134

(4) Report to the attorney general from time to time, and to 135
the governor and the general assembly at least annually, 136
concerning the activities of the commission; 137

(5) Establish fees for the services the commission offers 138
under sections 109.71 to 109.79 of the Revised Code, including, 139
but not limited to, fees for training, certification, and testing. 140

(6) Perform such other acts as are necessary or appropriate 141
to carry out the powers and duties of the commission as set forth 142
in sections 109.71 to 109.77 of the Revised Code. 143

Sec. 959.131. (A) As used in this section: 144

(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock. 145
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(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code. 148
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(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation. 150
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(4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code. 153
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(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal. 155
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(C) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following: 158
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(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal; 161
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(2) Fail to provide the companion animal with sufficient quantities of wholesome food and potable water; 164
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(3) Fail to provide the companion animal with adequate ventilation and circulation of wholesome air; 166
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(4) Fail to provide the companion animal with access to adequate shelter from heat, cold, wind, rain, snow, excessive direct sunlight, or other adverse environmental conditions if it is reasonable to expect that without that shelter the companion animal would become sick or suffer; 168
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(5) Fail to provide the companion animal with adequate exercise; 173
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(6) Confine the companion animal in a primary enclosure that does not have adequate space in which the companion animal may stand up to its full height, stretch out, turn around, and lie down comfortably.

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(D) Divisions (B) and (C) of this section do not apply to any of the following:

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(1) A companion animal used in scientific research as approved by and conducted in accordance with the authority exercised by an institutional animal care and use committee pursuant to 9 C.F.R. 2.31;

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(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Chapter 4741. of the Revised Code;

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(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs.

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(E) All fines collected by a clerk of court for any violation of this section shall be forwarded by the clerk to the county treasurer of the county in which the court is located. The county treasurer shall pay the fine moneys to the county humane society that participated in the investigation or prosecution of the violation. The county humane society shall use the fine moneys to provide the training that is required for humane agents under section 1717.06 of the Revised Code.

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Sec. 959.132. (A) As used in this section: 201

(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

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(2) "Impounding agency" means the county humane society, animal shelter, or law enforcement agency that, in accordance with division (B) or (C) of this section, either has impounded a companion animal or has made regular visits to the place where a companion animal is kept to determine whether it is provided with necessities. 204
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(3) "Officer" means any law enforcement officer, agent of a county humane society, dog warden, assistant dog warden, or other person appointed to act as an animal control officer for a county, municipal corporation, or township in accordance with state law, an ordinance, or a resolution. 210
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(B) An officer may impound a companion animal if the officer has probable cause to believe that it or other companion animals that are harbored by the same person on the premises are the subject of a violation of section 959.131 of the Revised Code and if the officer has lawful access to the companion animal at the time of the impoundment. The officer shall give written notice of the impoundment by posting the notice on the door of the residence on the premises at which the companion animal was impounded, by giving it in person to the owner, custodian, caretaker, or harborer of the companion animal, or by otherwise posting the notice in a conspicuous place on the premises where the companion animal was seized. 215
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(C) If charges are filed under section 959.131 of the Revised Code against the custodian, caretaker, or harborer of a companion animal, but the companion animal that is the subject of the charges is not impounded, the court in which the charges are pending may order the owner or person having custody of the companion animal to provide to the companion animal the necessities described in division (C)(2) to (6) of section 959.131 of the Revised Code until the final disposition of the charges. If the court issues an order of that nature, the court also may 227
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authorize an officer or another person to visit the place where
the companion animal is being kept, at the times and under the
conditions that the court may set, to determine whether the
companion animal is receiving those necessities and to remove and
impound the companion animal if the companion animal is not
receiving those necessities.

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(D) An owner, custodian, caretaker, or harbinger of one or
more companion animals that have been impounded under this section
may file a written request for a hearing with the clerk of the
court in which charges are pending that were filed under section
959.131 of the Revised Code and that involve the impounded
companion animals. If a hearing is requested, the court shall
conduct a hearing not later than twenty-one days following receipt
of the request. At the hearing, the impounding agency has the
burden of proving by a preponderance of the evidence that probable
cause exists to find that the defendant is guilty of a violation
of section 959.131 of the Revised Code. A hearing that is
conducted under division (D) of this section shall be combined
whenever possible with any hearing involving the same pending
charges that is authorized and conducted under division (E) of
this section.

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If the court finds at the conclusion of the hearing that
probable cause does not exist for finding that the defendant
committed a violation and that the defendant otherwise has a right
to possession of the impounded companion animals, the court shall
order the animals to be returned to the defendant.

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If the court finds at the conclusion of the hearing that
probable cause exists for finding the defendant guilty of a
violation with respect to one or more of the impounded companion
animals, the court shall do one of the following with respect to
each impounded companion animal:

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(1) Allow the impounding agency to retain custody of the

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companion animal pending resolution of the underlying charges; 268

(2) Order the companion animal to be returned to the 269
defendant under any conditions and restrictions that the court 270
determines are appropriate to ensure that the companion animal 271
receives humane and adequate care and treatment. 272

(E)(1) At any time that one or more charges are pending under 273
section 959.131 of the Revised Code, an impounding agency may file 274
a motion in the court in which the charges are pending requesting 275
that the defendant post a deposit to cover the costs of caring, 276
during the pendency of the charges, for any impounded companion 277
animals seized or removed from the defendant's custody if the 278
reasonably necessary projected costs of the care that will be 279
provided prior to the final resolution of the charges are 280
estimated to be in excess of one thousand five hundred dollars. 281
The motion shall be accompanied by an affidavit that sets forth an 282
estimate of the reasonably necessary costs that the impounding 283
agency expects to incur in providing that care, which may include, 284
but are not limited to, the necessary cost of veterinary care, 285
medications, food, water, and board for the companion animals 286
during the pendency of the charges. 287

(2) Within ten days after the date on which a motion is filed 288
under division (E)(1) of this section, the court shall conduct a 289
hearing. Except as otherwise provided in division (E)(5) of this 290
section, at the hearing, the impounding agency has the burden of 291
proving by a preponderance of the evidence that there is probable 292
cause to find that the defendant is guilty of a violation of 293
section 959.131 of the Revised Code and that the reasonably 294
necessary cumulative costs of caring during the pendency of the 295
charges for the companion animals seized or removed from the 296
defendant's custody or control are reasonably projected to exceed 297
one thousand five hundred dollars. 298

(3) If the court finds at the conclusion of the hearing that 299

probable cause does not exist for finding that the defendant 300
committed a violation of section 959.131 of the Revised Code and 301
that the defendant otherwise has a right to possession of the 302
companion animals, the court shall order the animals to be 303
returned to the defendant. If the court finds at the conclusion of 304
the hearing that probable cause exists for finding that the 305
defendant committed a violation of that section, but that the 306
reasonably necessary costs for caring during the pendency of the 307
charges for the companion animals seized or removed from the 308
defendant's custody or control are reasonably projected to be one 309
thousand five hundred dollars or less, the court shall deny the 310
petitioner's motion to require the defendant to pay a deposit. 311

If the court finds at the conclusion of the hearing that 312
probable cause exists for finding the defendant guilty of the 313
violation with respect to one or more of the impounded companion 314
animals and for determining that the reasonably necessary 315
projected costs of caring for the companion animals exceed one 316
thousand five hundred dollars during the pendency of the charges, 317
the court shall do one of the following: 318

(a) Order the defendant to post a deposit with the clerk of 319
the court in a form and in an amount that the court determines is 320
sufficient to cover the cost of care of the companion animals from 321
the date of impoundment until the date of the disposition of the 322
charges; 323

(b) Order one or more of the companion animals to be returned 324
to the defendant under any conditions and restrictions that the 325
court determines to be appropriate to ensure that the companion 326
animals receive humane and adequate care and treatment; 327

(c) Deny the motion of the impounding agency requesting the 328
defendant to post a deposit, but permit the impounding agency to 329
retain custody of one or more of the companion animals pending 330
resolution of the underlying charges. 331

(4) The court may order the defendant to forfeit the right of possession and ownership in one or more of the companion animals to the impounding agency if the defendant fails to comply with the conditions set forth in an order of the court that is rendered under division (E)(3) of this section. If the order that was not complied with required the defendant to post a deposit, forfeiture of the companion animals relieves the defendant of any further obligation to post the deposit. 332
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(5)(a) A hearing that is conducted under division (D) of this section shall be combined whenever possible with any hearing involving the same pending charges that is authorized and conducted under division (E) of this section. However, division (E)(5)(b) of this section applies when both of the hearings are conducted and combining them is not possible. 340
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(b) At a hearing conducted under division (E) of this section, an impounding agency shall not be required to prove that there is probable cause to find that the defendant is guilty of a violation of section 959.131 of the Revised Code if the court already has made a finding concerning probable cause at a separate hearing conducted under division (D) of this section. In such an event, the probable cause finding made at the hearing conducted under division (D) of this section shall be used for purposes of the hearing conducted under division (E) of this section. 346
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(F)(1) If the defendant is found guilty of violating section 959.131 of the Revised Code or any other offense relating to the care or treatment of a companion animal and the defendant posted a deposit pursuant to division (E) of this section, the court shall determine the amount of the reasonably necessary costs that the impounding agency incurred in caring for the companion animal during the pendency of the charges. The court shall order the clerk of the court to pay that amount of the deposit to the impounding agency and to dispose of any amount of the deposit that 355
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exceeds that amount in the following order: 364

(a) Pay any fine imposed on the defendant relative to the violation; 365
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(b) Pay any costs ordered against the defendant relative to the violation; 367
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(c) Return any remaining amount to the defendant. 369

(2) If the defendant is found not guilty of violating section 959.131 of the Revised Code or any other offense relating to the care or treatment of a companion animal, the court shall order the clerk of court to return the entire amount of the deposit to the defendant, and the impounding agency shall return the companion animal to the defendant. If the companion animal cannot be returned, the court shall order the impounding agency to pay to the defendant an amount determined by the court to be equal to the reasonable market value of the companion animal at the time that it was impounded plus statutory interest as defined in section 1343.03 of the Revised Code from the date of the impoundment. In determining the reasonable market value of the companion animal, the court may consider the condition of the companion animal at the time that the companion animal was impounded and any change in the condition of the companion animal after it was impounded. 370
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(G) An impounding agency that impounds a companion animal under this section shall pay a person who provides veterinary care to the companion animal during the impoundment for the cost of the veterinary care regardless of whether the impounding agency is reimbursed for the payment under this section or section 959.99 of the Revised Code. 385
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Sec. 959.133. No person shall violate section 959.02, 959.03, 959.13, or 959.131 of the Revised Code while committing a 392
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violation of section 2911.21 of the Revised Code.

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Sec. 959.99. (A) Whoever violates section ~~959.01~~, 959.18, or 959.19 of the Revised Code is guilty of a minor misdemeanor.

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(B) Except as otherwise provided in this division, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars or more, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the first degree.

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(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, or 959.17 of the Revised Code is guilty of a misdemeanor of the fourth degree.

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(D) Whoever violates division (A) of section 959.13 of the Revised Code is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

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(E)(1) Whoever violates division (B) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.

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(2) Whoever violates section 959.01 of the Revised Code or division (C) of section 959.131 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a

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misdemeanor of the first degree on each subsequent offense. 424

(3)(a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time. 425
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(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code. 432
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(4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. 440
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(F) Whoever violates section 959.14 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. 448
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~~(F)~~(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree. 451
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~~(G)~~(H) Whoever violates section 959.16 of the Revised Code is guilty of a felony of the fourth degree for a first offense and a 453
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felony of the third degree on each subsequent offense. 455

(I) Whoever violates section 959.133 of the Revised Code is 456
guilty of a felony of the fifth degree. 457

Sec. 1717.06. A county humane society organized under section 458
1717.05 of the Revised Code may appoint agents, who are residents 459
of the county or municipal corporation for which the appointment 460
is made, for the purpose of prosecuting any person guilty of an 461
act of cruelty to persons or animals. Such agents may arrest any 462
person found violating ~~sections 1717.01 to 1717.14, inclusive, of~~ 463
~~the Revised Code, this chapter~~ or any other law for protecting 464
persons or animals or preventing acts of cruelty thereto. Upon 465
making ~~such an~~ arrest the agent forthwith shall convey the person 466
arrested before some court or magistrate having jurisdiction of 467
the offense, and there make complaint against ~~him~~ the person on 468
oath or affirmation of the offense. 469

All appointments of agents under this section shall be 470
approved by the mayor of the municipal corporation for which they 471
are made. If the society exists outside a municipal corporation, 472
such appointments shall be approved by the probate judge of the 473
county for which they are made. ~~Such~~ The mayor or probate judge 474
shall keep a record of such appointments. 475

In order to qualify for appointment as a humane agent under 476
this section, a person first shall successfully complete a minimum 477
of twenty hours of training on issues relating to the 478
investigation and prosecution of cruelty to and neglect of 479
animals. The training shall comply with rules recommended by the 480
peace officer training commission under section 109.73 of the 481
Revised Code and shall include, without limitation, instruction 482
regarding animal husbandry practices. A person who has been 483
appointed as a humane agent under this section prior to the 484
effective date of this amendment may continue to act as a humane 485

agent for a period of time on and after the effective date of this 486
amendment without completing the training. However, on or before 487
December 31, 2004, a person who has been appointed as a humane 488
agent under this section prior to the effective date of this 489
amendment shall successfully complete the training and submit 490
proof of its successful completion to the appropriate appointing 491
mayor or probate judge in order to continue to act as a humane 492
agent after December 31, 2004. 493

Sec. 2151.421. (A)(1)(a) No person described in division 494
(A)(1)(b) of this section who is acting in an official or 495
professional capacity and knows or suspects that a child under 496
eighteen years of age or a mentally retarded, developmentally 497
disabled, or physically impaired child under twenty-one years of 498
age has suffered or faces a threat of suffering any physical or 499
mental wound, injury, disability, or condition of a nature that 500
reasonably indicates abuse or neglect of the child, shall fail to 501
immediately report that knowledge or suspicion to the public 502
children services agency or a municipal or county peace officer in 503
the county in which the child resides or in which the abuse or 504
neglect is occurring or has occurred. 505

(b) Division (A)(1)(a) of this section applies to any person 506
who is an attorney; physician, including a hospital intern or 507
resident; dentist; podiatrist; practitioner of a limited branch of 508
medicine as specified in section 4731.15 of the Revised Code; 509
registered nurse; licensed practical nurse; visiting nurse; other 510
health care professional; licensed psychologist; licensed school 511
psychologist; speech pathologist or audiologist; coroner; 512
administrator or employee of a child day-care center; 513
administrator or employee of a residential camp or child day camp; 514
administrator or employee of a certified child care agency or 515
other public or private children services agency; school teacher; 516
school employee; school authority; person engaged in social work 517

or the practice of professional counseling; agent of a county 518
humane society; or a person rendering spiritual treatment through 519
prayer in accordance with the tenets of a well-recognized 520
religion. 521

(2) An attorney or a physician is not required to make a 522
report pursuant to division (A)(1) of this section concerning any 523
communication the attorney or physician receives from a client or 524
patient in an attorney-client or physician-patient relationship, 525
if, in accordance with division (A) or (B) of section 2317.02 of 526
the Revised Code, the attorney or physician could not testify with 527
respect to that communication in a civil or criminal proceeding, 528
except that the client or patient is deemed to have waived any 529
testimonial privilege under division (A) or (B) of section 2317.02 530
of the Revised Code with respect to that communication and the 531
attorney or physician shall make a report pursuant to division 532
(A)(1) of this section with respect to that communication, if all 533
of the following apply: 534

(a) The client or patient, at the time of the communication, 535
is either a child under eighteen years of age or a mentally 536
retarded, developmentally disabled, or physically impaired person 537
under twenty-one years of age. 538

(b) The attorney or physician knows or suspects, as a result 539
of the communication or any observations made during that 540
communication, that the client or patient has suffered or faces a 541
threat of suffering any physical or mental wound, injury, 542
disability, or condition of a nature that reasonably indicates 543
abuse or neglect of the client or patient. 544

(c) The attorney-client or physician-patient relationship 545
does not arise out of the client's or patient's attempt to have an 546
abortion without the notification of her parents, guardian, or 547
custodian in accordance with section 2151.85 of the Revised Code. 548

(B) Anyone, who knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child, may report or cause reports to be made of that knowledge or suspicion to the public children services agency or to a municipal or county peace officer.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's known or suspected injuries, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect.

Any person, who is required by division (A) of this section to report known or suspected child abuse or child neglect, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D)(1) Upon the receipt of a report concerning the possible abuse or neglect of a child or the possible threat of abuse or

neglect of a child, the municipal or county peace officer who 580
receives the report shall refer the report to the appropriate 581
public children services agency. 582

(2) On receipt of a report pursuant to this division or 583
division (A) or (B) of this section, the public children services 584
agency shall comply with section 2151.422 of the Revised Code. 585

(E) No township, municipal, or county peace officer shall 586
remove a child about whom a report is made pursuant to this 587
section from the child's parents, stepparents, or guardian or any 588
other persons having custody of the child without consultation 589
with the public children services agency, unless, in the judgment 590
of the officer, and, if the report was made by physician, the 591
physician, immediate removal is considered essential to protect 592
the child from further abuse or neglect. The agency that must be 593
consulted shall be the agency conducting the investigation of the 594
report as determined pursuant to section 2151.422 of the Revised 595
Code. 596

(F)(1) Except as provided in section 2151.422 of the Revised 597
Code, the public children services agency shall investigate, 598
within twenty-four hours, each report of known or suspected child 599
abuse or child neglect and of a known or suspected threat of child 600
abuse or child neglect that is referred to it under this section 601
to determine the circumstances surrounding the injuries, abuse, or 602
neglect or the threat of injury, abuse, or neglect, the cause of 603
the injuries, abuse, neglect, or threat, and the person or persons 604
responsible. The investigation shall be made in cooperation with 605
the law enforcement agency and in accordance with the memorandum 606
of understanding prepared under division (J) of this section. A 607
failure to make the investigation in accordance with the 608
memorandum is not grounds for, and shall not result in, the 609
dismissal of any charges or complaint arising from the report or 610
the suppression of any evidence obtained as a result of the report 611

and does not give, and shall not be construed as giving, any
rights or any grounds for appeal or post-conviction relief to any
person. The public children services agency shall report each case
to a central registry which the department of job and family
services shall maintain in order to determine whether prior
reports have been made in other counties concerning the child or
other principals in the case. The public children services agency
shall submit a report of its investigation, in writing, to the law
enforcement agency.

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(2) The public children services agency shall make any
recommendations to the county prosecuting attorney or city
director of law that it considers necessary to protect any
children that are brought to its attention.

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(3) During the course of an investigation pursuant to
division (F)(1) of this section, any person who discovers or
suspects that an animal is the victim of cruelty, as defined in
section 1717.01 of the Revised Code, or of a violation of section
959.13 or 959.131 of the Revised Code or observes conditions that
reasonably indicate that the abuse or neglect of an animal is
occurring immediately shall report that knowledge or suspicion
either to a county humane society or one of its agents, a dog
warden, or a county peace officer in the county in which the abuse
or neglect is occurring or is suspected to have occurred.

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(G)(1)(a) Except as provided in division (H)(3) of this
section, anyone or any hospital, institution, school, health
department, or agency participating in the making of reports under
division (A) of this section, anyone or any hospital, institution,
school, health department, or agency participating in good faith
in the making of reports under division (B) of this section, any
person participating in the making of reports under division
(F)(3) of this section, and anyone participating in good faith in
a judicial proceeding resulting from the reports, shall be immune

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from any civil or criminal liability for injury, death, or loss to 644
person or property that otherwise might be incurred or imposed as 645
a result of the making of the reports or the participation in the 646
judicial proceeding. 647

(b) Notwithstanding section 4731.22 of the Revised Code, the 648
physician-patient privilege shall not be a ground for excluding 649
evidence regarding a child's injuries, abuse, or neglect, or the 650
cause of the injuries, abuse, or neglect in any judicial 651
proceeding resulting from a report submitted pursuant to this 652
section. 653

(2) In any civil or criminal action or proceeding in which it 654
is alleged and proved that participation in the making of a report 655
under this section was not in good faith or participation in a 656
judicial proceeding resulting from a report made under this 657
section was not in good faith, the court shall award the 658
prevailing party reasonable attorney's fees and costs and, if a 659
civil action or proceeding is voluntarily dismissed, may award 660
reasonable attorney's fees and costs to the party against whom the 661
civil action or proceeding is brought. 662

(H)(1) Except as provided in divisions (H)(4), (M), and (N) 663
of this section, a report made under this section is confidential. 664
The information provided in a report made pursuant to this section 665
and the name of the person who made the report shall not be 666
released for use, and shall not be used, as evidence in any civil 667
action or proceeding brought against the person who made the 668
report. In a criminal proceeding, the report is admissible in 669
evidence in accordance with the Rules of Evidence and is subject 670
to discovery in accordance with the Rules of Criminal Procedure. 671

(2) No person shall permit or encourage the unauthorized 672
dissemination of the contents of any report made under this 673
section. 674

(3) A person who knowingly makes or causes another person to 675

make a false report under division (B) of this section that
alleges that any person has committed an act or omission that
resulted in a child being an abused child or a neglected child is
guilty of a violation of section 2921.14 of the Revised Code.

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(4) If a report is made pursuant to division (A) or (B) of
this section and the child who is the subject of the report dies
for any reason at any time after the report is made, but before
the child attains eighteen years of age, the public children
services agency or municipal or county peace officer to which the
report was made or referred, on the request of the child fatality
review board, shall submit a summary sheet of information
providing a summary of the report to the review board of the
county in which the deceased child resided at the time of death.
On the request of the review board, the agency or peace officer
may, at its discretion, make the report available to the review
board.

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(5) A public children services agency shall advise a person
alleged to have inflicted abuse or neglect on a child who is the
subject of a report made pursuant to this section in writing of
the disposition of the investigation. The agency shall not provide
to the person any information that identifies the person who made
the report, statements of witnesses, or police or other
investigative reports.

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(I) Any report that is required by this section shall result
in protective services and emergency supportive services being
made available by the public children services agency on behalf of
the children about whom the report is made, in an effort to
prevent further neglect or abuse, to enhance their welfare, and,
whenever possible, to preserve the family unit intact. The agency
required to provide the services shall be the agency conducting
the investigation of the report pursuant to section 2151.422 of
the Revised Code.

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(J)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to

follow the procedure set forth in the memorandum by the concerned
officials is not grounds for, and shall not result in, the
dismissal of any charges or complaint arising from any reported
case of abuse or neglect or the suppression of any evidence
obtained as a result of any reported child abuse or child neglect
and does not give, and shall not be construed as giving, any
rights or any grounds for appeal or post-conviction relief to any
person.

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(3) A memorandum of understanding shall include all of the
following:

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(a) The roles and responsibilities for handling emergency and
nonemergency cases of abuse and neglect;

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(b) Standards and procedures to be used in handling and
coordinating investigations of reported cases of child abuse and
reported cases of child neglect, methods to be used in
interviewing the child who is the subject of the report and who
allegedly was abused or neglected, and standards and procedures
addressing the categories of persons who may interview the child
who is the subject of the report and who allegedly was abused or
neglected.

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(K)(1) Except as provided in division (K)(4) of this section,
a person who is required to make a report pursuant to division (A)
of this section may make a reasonable number of requests of the
public children services agency that receives or is referred the
report to be provided with the following information:

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(a) Whether the agency has initiated an investigation of the
report;

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(b) Whether the agency is continuing to investigate the
report;

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(c) Whether the agency is otherwise involved with the child

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who is the subject of the report; 769

(d) The general status of the health and safety of the child 770
who is the subject of the report; 771

(e) Whether the report has resulted in the filing of a 772
complaint in juvenile court or of criminal charges in another 773
court. 774

(2) A person may request the information specified in 775
division (K)(1) of this section only if, at the time the report is 776
made, the person's name, address, and telephone number are 777
provided to the person who receives the report. 778

When a municipal or county peace officer or employee of a 779
public children services agency receives a report pursuant to 780
division (A) or (B) of this section the recipient of the report 781
shall inform the person of the right to request the information 782
described in division (K)(1) of this section. The recipient of the 783
report shall include in the initial child abuse or child neglect 784
report that the person making the report was so informed and, if 785
provided at the time of the making of the report, shall include 786
the person's name, address, and telephone number in the report. 787
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Each request is subject to verification of the identity of 789
the person making the report. If that person's identity is 790
verified, the agency shall provide the person with the information 791
described in division (K)(1) of this section a reasonable number 792
of times, except that the agency shall not disclose any 793
confidential information regarding the child who is the subject of 794
the report other than the information described in those 795
divisions. 796

(3) A request made pursuant to division (K)(1) of this 797
section is not a substitute for any report required to be made 798
pursuant to division (A) of this section. 799

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(M) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other

investigative reports.

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(N) No later than three days after the day on which a public
children services agency that conducted the investigation as
determined pursuant to section 2151.422 of the Revised Code makes
a disposition of an investigation involving a report of alleged
child abuse or child neglect, or a report of an alleged threat of
child abuse or child neglect, that allegedly occurred in or
involved an out-of-home care entity, the agency shall send written
notice of the disposition of the investigation to the
administrator, director, or other chief administrative officer and
the owner or governing board of the out-of-home care entity. The
agency shall not provide witness statements or police or other
investigative reports.

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Section 2. That existing sections 109.73, 959.99, 1717.06,
and 2151.421 of the Revised Code are hereby repealed.

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